

U.S. Serial No. 09/888,920
Amendment to Office Action dated May 26, 2004

Remarks

No new matter has been added.

Claim Objection

Claim 39 is objected to for reciting "PEBA" using capital letters. The Examiner suggests using small letters because the term is not a trademark. Applicants respectfully submit that PEBA in capital letters is the conventional abbreviation used in the art, and the use of small letters for the abbreviation may cause confusion. The art-recognized use of PEBA in capital letters is evidenced by its use in the claims of the following recently issued US patents: 6,745,987, 6,740,507, 6,725,634, 6,685,720, 6,681,777, 6,669,060, 6,592,568, 6,581,808, 6,566,484. Applicants submit that, while not designating a trademark, the use of capital letters for the PEBA abbreviation is recognized in the art and is thus proper for use in the claims.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 29 and 35 are rejected as failing to comply with the written description requirement because the application as filed does not contain a description for a helical wall thickness that decreases distally. Applicants traverse the rejection.

Fig. 3 as originally filed clearly shows the thickness of wall 111 decreasing from the proximal end 108 toward the distal end 110 of the device. As the figures originally filed are considered part of the application, the elements of claims 29 and 35 were described in the application as originally filed. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 102 (b)

Claims 27 and 28 are rejected as being anticipated by Davila (US 5,466,230). Davila is cited as disclosing a catheter tube hub having a lumen, proximal and distal portions, a helical wall with bends separated by spaces, where the proximal portion of the hub is thicker than the distal portion. Applicants traverse the rejection.

Davila teach a catheter sheath introducer in which a spring is placed over the proximal end of a sheath and both are placed into a mold so the hub is formed around the

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sheath and spring; forming an integral unit in which a lumen is formed through the hub and sheath. See column 3, lines 17-19 and 46-59. In the device of Davila, there is no stage during the production process when spaces between the spring coils extend into a passage for receiving a catheter tube, as is recited in independent claim 27. The lumen configured to receive a catheter tube in the device of Davila is defined by the lumen of sheath 12, and is not defined by a helical wall, as is recited in the instant claims. The spring in Davila's device is embedded in the plastic of the hub and wound about the sheath. Thus, the spaces between the bends in the spring do not and cannot extend into a passage for receiving a catheter tube. Davila thus fails to teach the elements of claims 27 and 28. Withdrawal of the rejection is respectfully requested.

Claims 27 and 28 are rejected as being anticipated by Suzuki et al. (US 4,682,981). Suzuki et al. is cited as disclosing a catheter tube hub having a lumen, proximal and distal portions, a helical wall having bends separated by spaces, where the proximal portion is thicker than the distal portion. Applicants traverse the rejection.

Suzuki et al. teach a device including a sheath 5 fixed and supported by a hub 4, with a lumen therethrough for receiving a tube 7, and a bending spring 23 on the sheath 5. See column 2, lines 31-35 and FIG. 8B. Suzuki et al. fail to teach a catheter tube hub in which a helical wall defines a passage for receiving a catheter tube, with spaces between helical bends extending into the passage, as is recited in the claims. In the device of Suzuki et al., the sheath 5 is fixed to the hub 4, and the spring 23 is wound around the sheath. Suzuki et al. teach that the hub and sheath have a through path for receiving a tube (column 2, lines 32-35). The lumen configured to receive a catheter tube in the Suzuki et al. device is through the sheath, not the spring. Because Suzuki et al. teach the sheath being fixed to the hub, with the spring around the sheath, there are no spaces between the spring coils that extend into the tube passage. Suzuki et al. thus fail to teach the elements of claims 27 and 28. Withdrawal of the rejection is respectfully requested.

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Rejection under 35 U.S.C. § 103

Claims 29 and 35 are rejected as being unpatentable over Davila or Suzuki et al. as applied to claim 27, and further in view of Lalikos (US 5,143,409). As stated above, Davila and Suzuki et al. fail to teach the basic features of the invention. Lalikos does not supply what Davila and Suzuki et al. lack. Thus, even if the disclosures of Davila or Suzuki et al. and Lalikos were combined, one would not achieve the instantly claimed invention. Withdrawal of the rejection is respectfully requested.

Claims 36-39 are rejected as being unpatentable over Davila or Suzuki et al. as applied to claim 27, and further in view of Prichard (US 5,380,301). As stated above, Davila and Suzuki et al. fail to teach the basic features of the invention. Prichard does not supply what Davila and Suzuki et al. lack. Thus, even if the disclosures of Davila or Suzuki et al. and Prichard were combined, one would not achieve the instantly claimed invention. Withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration are respectfully requested. Any inquiry regarding this matter may be directed to the undersigned representative at (612) 677-9050.

Respectfully submitted,

THOMAS J. HOLMAN ET AL.

By their Attorney,

Date: July 20, 2004
Glenn M. Seager, Reg. No. 36,926

Customer No. 28075

CROMPTON, SEAGER & TUFTE, LLC

1221 Nicollet Avenue, Suite 800

Minneapolis, Minnesota 55403-2420

Tel: (612) 677-9050